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April 3, 2014

*Via ECF Filing*

Hon. Marilyn D. Go, U.S.M.J.  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Room 1214-S  
Brooklyn, NY 11201

Re: *Blaylock v. Montalbano, et al.*  
Civ. Act. No. 09 Civ. 3277 (NGG) (MDG)  
File No.: 02803-118689

Dear Magistrate Judge Go:

This office represents the defendant APS Healthcare, Inc. ("APS") in the above-referenced action. We write to renew APS's request that the Court set a briefing schedule for APS's proposed motion to dismiss described in its letter dated April 30, 2013. (Doc. No. 101).

On April 30, 2013, APS timely filed a pre-motion conference letter request with the Court in which it sought leave to file a motion to dismiss in accord with District Judge Nicholas G. Garaufis's Individual Motion Practices. The pre-motion conference request was referred to Your Honor on May 1, 2013. At a conference held on May 9, 2013, the Court advised that it would hold the pre-motion conference in abeyance until plaintiff's counsel filed a response to the pre-motion conference request. It was the understanding of the Court and the parties that the request would be stayed while New York State and plaintiff attempt to settle the matter. On March 28, 2014, this Court advised counsel that New York State and plaintiff were not able to reach a settlement and that discovery should proceed.

For the reasons set forth in our April 30, 2013 letter, we therefore request that the Court set a date by which plaintiff must respond to APS's letter dated April 30, 2013 and schedule a pre-motion conference date or issue a briefing schedule on APS's proposed motion to dismiss.

Thank you for your consideration of this matter.

Respectfully submitted,

s/ Michael H. Bernstein  
Michael H. Bernstein  
Sedgwick LLP

**CERTIFICATE OF SERVICE**

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **LETTER DATED APRIL 3, 2014** was served via ECF on this 3rd day of April, 2014 upon the following:

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s/ Michael H. Bernstein  
Michael H. Bernstein

Dated: New York, New York  
April 3, 2014